

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SELINA R. MILLER,

Plaintiff,

vs.

Civil Action 2:09-CV-580
Judge Sargus
Magistrate Judge King

NATIONAL BASKETBALL ASSOCIATION,
et al.,

Defendants.

ORDER

On July 22, 2009, the United States Magistrate Judge granted plaintiff's application for leave to proceed in *forma pauperis*, but recommended that the action be dismissed pursuant to 28 U.S.C. §1915(e) as frivolous or for failure to state a claim upon which relief can be granted. Doc. No. 2. This matter is now before the Court on plaintiff's objection to that *Report and Recommendation*, which the Court will consider *de novo*. See 28 U.S.C. §636(b).

In the *Report and Recommendation*, the United States Magistrate Judge noted that plaintiff asserted claims of defamation and invasion of privacy on the part of the National Basketball Association, its Commissioner and Kobe Bryant but concluded that the particular allegations contained in the complaint lack even an arguable basis in fact and are not plausible. *Report and Recommendation*, p. 2. The United States Magistrate Judge also noted that plaintiff has filed numerous prior actions in both federal and state courts asserting similar *pro se* claims of slander and invasion of privacy. *Id.*

In her objections, plaintiff argues only that two of the cases

cited by the United States Magistrate Judge were not filed in federal court. *Objections*, Doc. No. 5. However, the two citations referred to by plaintiff apparently referred to cases addressed by an Ohio Court of Appeals. *Miller v. Johnson & Angelo*, 2002 WL 1578737 (Ohio 10th Dist. Ct. App. July 18, 2002); *Miller v. Ameritech*, 2002 WL 433773 (Ohio 10th Dist. Ct. App. March 21, 2002). Nothing stated by plaintiff in her objections persuade the Court that the reasoning reflected in the *Report and Recommendation* is in any respect erroneous.


Moreover, plaintiff's motion to amend the complaint, Doc. No. 6, which appears to be based on the same grounds addressed in her objections, is likewise **DENIED**.

Accordingly, plaintiff's objections to the *Report and Recommendation*, Doc. No. 5, are **DENIED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**, pursuant to 28 U.S.C. §1915(e), as frivolous or as failing to state a claim upon which relief can be granted.

The Clerk shall enter **FINAL JUDGMENT** in this action. Moreover, the Court concludes that an appeal from the judgment entered herein would not be taken in good faith.

7-27-2009

Date



Edmund A. Sargus, Jr.
United States District Judge